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November 23, 2009

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: GN Docket No. 09-51 (National Broadband Plan); GN Docket No. 09-191, WC  
Docket No. 07-52 (Preserving the Open Internet); MB Docket No. 09-168  
(Cablevision Request for Waiver of BST Encryption Prohibition on BST).**

Dear Ms. Dortch:

On November 19, 2009, I met separately with the following FCC staff: Commissioner Mignon Clyburn and legal advisor Carol Simpson; Commissioner Meredith Baker and legal advisors Brad Gillen and Christi Shewman, and confidential assistant and staff attorney Millie Kerr; Commissioner Robert McDowell and legal advisors Rosemary Harold and Christine Kurth; and Media Bureau Chief William Lake and Media Bureau representatives Kris Monteith, Nancy Murphy, Steve Broeckert, Brendan Murray, and Jeff Neumann, and Ominbus Broadband Initiative representative Phil Bellaria.

In each of the meetings, I discussed my company's background, the competitive environment in which we operate, and our competitive responses. In particular, I explained the motivation and the consumer benefits of moving to all-digital operations, including additional HD channels and deploying DOCSIS 3. I also described our "Broadband Everywhere" initiative in which we are using spectrum purchased in two FCC auctions to expand our broadband footprint beyond our current service area. In addition, I discussed more general broadband management issues, including last mile capacity planning, middle mile capacity expansion, traffic management, and consumption-based billing. On consumption-based billing, I noted that BendBroadband implemented such a system in July 2008 and that the usage allowance is 100 GB/month while 87% of consumers use less than 10 GB/month.

I also raised issues of concern to small cable operators, including our scale disadvantage in the face of consolidation across all sectors of business that has an impact in areas from retransmission consent negotiations to reasonable data roaming.

Finally, in our meeting with Chief Lake, Media Bureau representatives, and Mr. Bellaria, I noted my support for Cablevision's request for waiver of the Basic Service Tier encryption prohibition. In particular, I noted that my company has many customers who subscribe only to our broadband data service, and, as a result, we must install traps to prevent signal theft of the

unencrypted video channels. Granting such requests for waiver would allow companies like ours to avoid the additional trouble and expense of installing traps and would ultimately benefit consumers.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

**/s/ Amy Tykeson**

Amy Tykeson  
President and CEO  
BendBroadband

cc: Commissioner Meredith Baker  
Commissioner Mignon Clyburn  
Commissioner Robert McDowell  
Phil Bellaria  
Steve Broeckaert  
Brad Gillen  
Rosemary Harold  
Millie Kerr  
Christine Kurth  
William Lake  
Kris Monteith  
Nancy Murphy  
Brendan Murray  
Jeff Neumann  
Christi Shewman  
Carol Simpson